

11/B (M.)
N.L.H.
3-30-04

LOCKE LIDDELL & SAPP LLP

3400 Chase Tower
600 Travis Street
Houston, Texas 77002-3095

FACSIMILE TRANSMISSION

Voice: (713) 226-1200
Fax: (713) 223-3717

Date: March 25, 2004

PLEASE DELIVER AS SOON AS POSSIBLE TO:

	To	COMPANY	FAX NO.	PHONE NO.
1	Allen R. Kuhns, Primary Examiner	US Patent and Trademark Office	571- 273-1196	571-272-1202

FROM: John Wilson Jones

PHONE 713/226-1142

Total number of pages including this page: 4

If you do not receive all the pages, please call (713) 238-3643.

Notes: **URGENT - PLEASE DELIVER IMMEDIATELY****Response to Final Rejection Dated 29 December 2003****Serial No. 09/762,545****For: Internal Mold Release For Low Density Reaction Injection Molded Polyurethane Foam***Kelli Henson Hill*

For John Wilson Jones
 Locke Liddell & Sapp LLP
 600 Travis, Ste. 3400
 Houston, TX 77002-3095
 (713) 226-1200
 (713) 223-3717 - Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Niswander	§ Group Art Unit: 1732
Serial No. 09/762,545	§
Filed: March 28, 2001	§ Examiner: Allan R. Kuhns
For: Internal Mold Release For Low Density Reaction Injection Molded Polyurethane Foam	§ § § § Attorney Docket: 43050 (019131/03160)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO FINAL REJECTION DATED 29 DECEMBER 2003

This communication is in response to the Final Rejection in the above-referenced proceeding, issued on 29 December 2003.

REMARKS

Claims in the Application. Claims 1-15 are active in this application. Reconsideration is respectfully requested.

Examiner's Rejection of the Claims Over Horn et al. The Examiner has rejected Claim 1, 3 and 5-15 under 35 U.S.C. § 103(a) as being unpatentable over WO 98/25985 ("Horn")¹. This ground for rejection is traversed.

Horn is deficient because it fails to disclose:

(i.) a fatty acid condensation product (the Examiner references the amine salts of fatty acids on page 34 of *Horn* but such salts are not condensation products of fatty acids);

¹ U.S. Patent No. 6,169,124 B1 is an English equivalent to WO 98/25985.

(ii.) the claimed combination of IMR agent and IMR enhancer. See lines 3-16 of page 6 of Applicant's specification. *Horn* does not disclose the IMR enhancer. *Horn* only discloses the IMR agent. (In any event, *Horn* does not disclose the mineral oil IMR enhancer specifically recited in Applicant's Claim 5.) Note that Example 4 in Applicant's specification demonstrates that the absence of the IMR enhancer makes removal of the article from the mold difficult. Further, note that Example 5 demonstrates that the IMR enhancer by itself is not an effective internal mold release agent. Applicant claims *both* the IMR agent and IMR enhancer. Such combination is not disclosed in *Horn*.

Further, the amine salts of fatty acids, referenced on page 34 of *Horn* and referred to by the Examiner, are surface-active substances to aid in the homogenization of the starting materials. Note the full text of lines 35-39 of page 34 of *Horn*:

Als oberflachenaktive Substanzen kommen z.B. Verbindungen in Betracht, welche zur Unterstutzung der Homogenisierung der Ausgangsstoffe dienen und gegebenenfalls auch geeignet sind, die Zellstruktur zu regulieren.

Such surface-active substances are *not* reactants. Claims 7-9 of Applicant specifically recite the *reaction* of the condensation product with the isocyanate in the presence of the IMR enhancer compound. The amine salts of fatty acids recited in *Horn* do not function as a reactant, but as a surfactant.

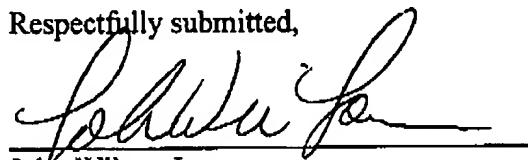
Examiner's Rejection of the Claims Over Horn et al. in view of Clatty The Examiner has maintained the rejection of Claims 2 and 4 under 35 U.S.C. § 103(a) as being unpatentable over *Horn et al* and further in view of U.S. Patent No. 4,751,252 ("Clatty"). This ground for rejection is likewise traversed.

Both Claims 2 and 4 are dependent on Claim 1. *Horn* does not teach the invention set forth in Claim 1 for the reasons set forth above. *Clatty* fails to cure the deficiencies of *Horn*.

Further, *Clatty* does not disclose use of an IMR-enhancer compound and thus does not disclose the combination of IMR-enhancer compound with a release agent. Claims 2 and 4 of Applicant recite an "A" side composition containing both IMR enhancer compound *and* a release agent (the fatty acid condensation product). At best therefore, the passage of *Clatty*, relied upon by the Examiner, discloses mixing the polyisocyanate with a mold release agent.

Conclusion. The claims of Applicant are distinguishable over the cited references for the reasons stated above. The Examiner is invited to telephone the undersigned should he deem it prudent to expedite the processing of this application.

Respectfully submitted,



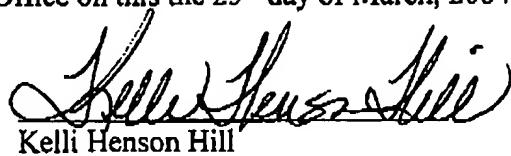
John Wilson Jones
Registration No. 31,380

Date: March 25, 2004

LOCKE LIDDELL & SAPP LLP
3400 JP Morgan Chase Tower
600 Travis
Houston, Texas 77002-3095
Telephone: (713) 226-1142
Fax: (713) 229-2570

CERTIFICATE OF TRANSMISSION, 37 C.F.R. § 1.6(d)

I hereby certify that this correspondence is being transmitted to Examiner Allan R. Kuhns at the United States Patent and Trademark Office on this the 25th day of March, 2004 via facsimile, (571) 273-1196.



Kelli Henson Hill